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IN THE COURT OF THE PRINCIPAL CIVIL JUDGE &
J.M.F.C. AT: CHANNAPATNA

Dated: This 28th October 2025

-: PRESENT :-

SHRI. YOGESHA K B.A.L. LL.M., PGDHRM
Prl. Civil Judge & JMFC,
Channapatna

Cri. Misc.No.1093/2024

Petitioners:

1. Smt. Pavithra S.M
w/o Narayana Gowda
Aged about 38 years
2. Dhanvit N Gowda
S/o Narayana Gowda
Since minor represented
by his mother – natural
guardian Smt. Pavithra –
petitioner No.1.

Both are R/at
Bramanipura Village,
Virupakshipura Hobli,
Channapatna Taluk,
Ramanagara District.

Currect R/at
S.M. Doddi vilage,
Kasaba Hobli,
Channapatna taluk,
Ramanagar district.

(Represented by Shri.M.K.N. Advocate)

-Vs-

Respondents:

Narayana Gowda
S/o Venkatagiri Gowda.
About 47 years,
Residing in Brahmanipur Village,
Kasaba Hobli,
Channapatna Taluk,
Ramanagara District.

(Represented by Shri.D.N.H. Advocate)

**ORDER ON IA NO. 1 FILED BY THE APPLICANT UNDER
SECTION 144(1) OF THE B.N.S.S.**

The applicant has filed the IA under Section 144(1) of the BNSS seeking an order directing the respondent to pay a monthly interim maintenance amount of ₹15,000/- to the applicant until the final disposal of the case.

2. The applicant No.1 has filed the affidavit to the IA.No. 1 and contended that, the applicant has filed the case against the respondent seeking maintenance. The applicant No.1 is the legally wedded wife of the respondent. Even though the applicant has not committed any fault, the respondent has subjected her to physical and mental cruelty and has deserted her. The applicant's father has passed away, her mother is elderly, and her brother, who is married, is not financially capable of taking care of the applicant and her son along with his own family. Therefore, the applicant and her son have no other source of income to sustain their livelihood.

3. The applicant's son is nine years old, and his educational expenses exceed ₹50,000/- per year. The respondent, neglecting his marital responsibilities, has been behaving like a stranger. The respondent owns a residential duplex house and 10 acres of irrigated agricultural land in Brahmanipura Village, Channapatna Taluk, where he cultivates coconut trees, earning more than ₹1,00,000/- per month from it. He also owns a poultry farm that yields around ₹1,50,000/- once every three months. Additionally, the respondent is employed as a lecturer at the First Grade College in Channapatna, earning a monthly salary of ₹70,000/-. Altogether, the respondent earns more than ₹3,00,000/- per

month and is financially capable of maintaining the applicant and paying her maintenance.

4. The applicant further contended that she requires a monthly maintenance amount of ₹15,000/- to meet her expenses for food, accommodation, medical needs, and her nine-year-old son's educational expenses, including books, van fees, and nutritious food. The applicant further contended that granting this interim application will not cause any hardship to the respondent, whereas rejecting it would cause irreparable loss to the applicant. Therefore, the applicant prays to direct the respondent to pay a monthly interim maintenance of ₹15,000/- to the applicant until the disposal of the main case.

5. The respondent has filed his objection to the main petition and adopted the same as objection to the present interim application.

6. The respondent in his objection, has admits that the marriage between himself and the first applicant is valid and that the second applicant was born out of the said wedlock. However, he categorically denies all allegations made by the applicant regarding dowry, cruelty, and neglect.

7. The respondent contends that the applicant failed to fulfill her marital obligations. He claims that she desired a luxurious life, insisted that he build a house in Channapatna town, and demanded a car for her personal use. According to him, her unwillingness to adjust to the matrimonial home and to care for his aged parents led to disputes between them.

8. The respondent asserts that the applicant left the matrimonial home of her own free will and was not driven out or neglected. He states that she chose to live with her parents and refused to return, despite his attempts to reconcile.

9. The respondent denies that he neglected the applicant during her pregnancy or after the birth of their child. He also disputes the claim that the second applicant suffered from any kidney ailment or that the applicant incurred medical expenses due to his neglect. While admitting that he works as a Lecturer at a First Grade College, the respondent denies the applicant's claim regarding his income and asserts that he neither owns a poultry farm nor earns large sums from agricultural land.

10. The respondent contends that the applicant has misused the provisions of law meant to protect women and has filed this application with false and exaggerated claims, solely to harass him. The respondent maintains that he made genuine efforts to reconcile and live together with the applicant, but she imposed unreasonable conditions preventing him from visiting or even seeing the child, causing him emotional suffering. As such the respondent prays to dismiss the application with cost.

11. Upon hearing the arguments and on perusal of the record, the following points arise for consideration.

Point 1: Whether the applicants are entitled to receive a monthly interim maintenance of ₹15,000/- as claimed in their petition?

Point 2: What order?

12. This courts findings on the above points as follows;

Point 1: In the partly affirmative.

Point 2: As per the final order,

for the following;

REASONS

13. **POINT No.1:-** The marriage between the parties and the paternity of the minor child are admitted. The applicant has produced the following documents to substantiate her claim:

- (a) The marriage invitation card confirming the marital relationship;
- (b) Marriage photographs showing the ceremony between the applicant and respondent;
- (c) The birth certificate of Master Dhanvit N. Gowda, showing the respondent as the father; and
- (d) Educational bills and receipts relating to the second applicant's schooling expenses.

The said documents remain undisputed and sufficiently establish the existence of a valid marriage and the paternity of the minor child.

14. It is a well-settled principle of law that a husband, having sufficient means, is under a statutory duty to maintain his wife and minor child who are unable to maintain themselves. The respondent's plea that the applicant voluntarily left the matrimonial home does not absolve him of this responsibility, particularly in respect of the welfare of the minor child.

15. Both parties have filed their respective statements of assets and liabilities before this Court. Upon perusal, it appears that the respondent is employed as a Lecturer in a reputed college at Channapatna, drawing a regular monthly salary. The applicant, on the other hand, has no regular employment or independent income and is dependent upon others for her sustenance and the upbringing of her minor child.

16. The applicant has placed before this Court educational bills and receipts relating to the schooling and welfare of the minor child, which substantiate her claim that she incurs substantial monthly expenses. The respondent has not disputed the child's educational and other necessary expenses, which the Court finds to be genuine and reasonable.

17. The Court notes that the respondent, being an able-bodied person with a steady income, is legally bound to maintain his wife and child, irrespective of any marital discord. The contention that the applicant left the matrimonial home without sufficient cause cannot, at this interim stage, be accepted as a ground to deny maintenance entirely. Issues relating to the cause

of separation and alleged cruelty will be considered and adjudicated upon in the main case after evidence is led.

18. Considering the cost of living, the educational requirements of the minor child, and the social status of the parties, this Court finds the applicant's claim of ₹15,000/- per month as interim maintenance reasonable. However, balancing the financial position of both parties and ensuring that the maintenance burden is not excessive, a slight moderation of the claimed amount is warranted. Hence, this point is answered in the Partly Affirmative.

19. **POINT No.2:-** In view of my forgoing reasoning and conclusions arrived at by me during the above discussions, I proceed to pass the following:

:- O R D E R :-

The IA No.1 filed by the applicants under Section 144(1) of BNSS is hereby allowed in part.

The respondent is directed to pay a sum of **₹12,000/- (Rupees Twelve Thousand only) per month as interim maintenance** — of which:

₹7,000/- shall be payable to the first applicant (wife), and

₹5,000/- shall be payable towards the maintenance and educational expenses of the second applicant (minor son).

The interim maintenance shall be payable **from the date of filing of this application** till final disposal of this Crl.Mis.P No.1093 of 2024.

No order as to cost.

[Given under my hand and seal of this court on this 28th October 2025 within the premises and during the working hours of this Court and is pronounced in an open court.]

(YOGESHA K)
Prl. Civil Judge & J.M.F.C.,
Channapatna.